

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

ROBERT BETHEL,

Petitioner,

-vs-

DAVID BOBBY, Warden,

Respondent.

:

Case No. 2:10-cv-391

:

District Judge Michael R. Barrett
Magistrate Judge Michael R. Merz

:

PROTECTIVE ORDER

This capital habeas corpus case is before the Court on the parties' Stipulation for a Protective Order (Doc. No. 62)¹. Pursuant to that Stipulation, it is hereby ORDERED:

1. This Protective Order governs the use and protection of the information that is the subject matter of Petitioner Bethel's Motion for Discovery filed under seal on March 12, 2013 (Doc. No. 50). That sealed information (hereinafter referred to as "Sealed Information") shall be voluntarily provided to Bethel's counsel by counsel for the Warden. To prevent later dispute, the Warden's counsel shall retain a copy of all Sealed Information with each unit thereof marked for identification (e.g., if pages of documents are produced, each page shall be distinctively marked).
2. The Sealed Information shall be treated as confidential and for review by counsel only. The Sealed Information may be disclosed only to Bethel's counsel or the agents or employees of Bethel's counsel. Without prior court approval, no part of the Sealed Information may be disclosed to Bethel or to any person who is not Bethel's counsel or an agent or employee of Bethel's counsel.

¹ The referenced document bears the caption "Stipulated Protective Order," but it is not signed by a judge.

3. If Bethel's counsel wishes to file any of the Sealed Information in their representation of Bethel, counsel will first obtain Court permission to file the Sealed Information under seal.
4. In the event that Bethel's counsel wishes to disclose any of the Sealed Information to Bethel, counsel will first file a motion for court authorization to do so. Bethel's counsel will first seek permission to file any such motion under seal.
5. This Protective Order applies only to the Sealed Information and does not in any way affect the rights of either party to seek discovery on other issues before the Court.
6. The fact that the Warden is voluntarily providing the Sealed Information should not be construed as a concession that the information is relevant to any claims before the Court or that it may be considered by the Court via expansion of the record or other means.
7. Per authority of *Procter & Gamble Co. v. Bankers Trust Co.*, 78 F.3d 219 (6th Cir. 1996), no document may be filed with the Court under seal without prior permission as to each such filing, upon motion and for good cause shown, including the legal basis for filing under seal. This Protective Order does not authorize filing under seal.

September 30, 2013.

s/ ***Michael R. Merz***
United States Magistrate Judge